

Message Text

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51

ACTION EUR-12

INFO OCT-01 ISO-00 SCS-03 JUSE-00 SCA-01 L-03 EURE-00 /020 W

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FM AMEMBASSY BERN

TO SECSTATE WASHDC PRIORITY 782

INFO AMEMBASSY BONN

C O N F I D E N T I A L BERN 2345

E.O. 11652: GDS

TAGS: CFED (JUSTICE INVESTIGATION OF FIRST LIBERTY FUND CASE), SZ, GW

SUBJECT: JUDICIAL ASSISTANCE: JUSTICE REQUEST FOR SWISS BANK WITNESSES

IN FIRST LIBERTY FUND CASE

REF: A) STATE 126586 B) STATE 105632 C) BERN 2307

1. REINHARD MULLER OF INTERMARITIME BANK (IMB) INFORMED EMBASSY THAT THE PRESIDENT OF BOARD OF DIRECTORS OF IMB, DR. WALTER MULLER, WOULD BE WILLING TO MAKE A DEPOSITION BEFORE AN AMERICAN CONSULAR OFFICER REGARDING DOCUMENTS PREVIOUSLY SUBMITTED IN FIRST LIBERTY FUND CASE. SINCE DIRECTOR IS RESIDENT IN BASEL MULLER SUGGESTED CONGEN STUTTGART WOULD BE CONVENIENT VENUE. MULLER ALSO REQUESTED CLARIFICATION OF HIS OWN TRAVEL PLANS (REF B). IN VIEW OF PROPOSED DEPOSITIONS IN EUROPE, IS MULLER STILL EXPECTED TO TESTIFY IN FLORIDA? PLEASE CLARIFY FOR REPLY TO MULLER ASAP SINCE MULLER WISHES MAKE BUSINESS TRAVEL PLANS.

2. DR. B. HARTMAN, LEGAL ADVISOR OF SWISS BANK CORPORATION (SBC), INFORMED EMBASSY THAT AS "MATTER OF PRINCIPLE" SBC WOULD NOT, RPT NOT, PERMIT ONE OF ITS EMPLOYEES TO MAKE A DEPOSITION BEFORE A FOREIGN E.G. (NON-SWISS) OFFICIAL REGARDLESS OF LOCATION.

3. NICHOLAUS FEDI INFORMED EMBASSY THAT HE WOULD NOT, RPT NOT, GIVE DEPOSITION BEFORE AM CONSULAR OFFICER IN
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THIS CASE.

4. AS REQUIRED, BEFORE CONTACTING ABOVE 3 PERSONS
EMBASSY OBTAINED AUTHORIZATION FROM FDJP OFFICIAL WHO
STRESSED THAT TELEPHONIC CONTACTS COULD BE MADE BY
EMBASSY BUT ONLY IN MANNER IN WHICH AVOIDED ANY SUGGESTION
OF COERCION OF EMBASSY OR OTHER COMPONENTS OF USG. IN
VIEW OF THIS CAVEAT AS WELL AS FOR REASONS SET FORTH
REF C, EMBASSY STRONGLY RECOMMENDS THAT ALL COMMUNICA-
TIONS WITH PERSONS OR INSTITUTIONS IN THIS CASE BE
CHANNELED THROUGH EMBASSY.
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Message Attributes

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Disposition Authority: ellisoob
Disposition Case Number: n/a
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Disposition Date: 28 MAY 2004
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Disposition History: n/a
Disposition Reason:
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